



506.03 OFFICER-WORN DIGITAL RECORDING DEVICES (Revised 1/8/18)

- A. The guidelines for the use of officer-worn digital recording devices (body cameras) by a Fort Worth Police Officer and the media produced by the device shall be consistent with any applicable laws of the United States, laws of the State of Texas, the ordinances of the City of Fort Worth, or the General Orders of the Fort Worth Police Department.
1. *Texas Occupations Code 1701.657* in part states:
 - (a) A peace officer equipped with a body worn camera shall act in a manner that is consistent with the policy of the law enforcement agency that employs the officer with respect to when and under what circumstances a body worn camera must be activated.
 - (b) A peace officer equipped with a body worn camera may choose not to activate a camera or may choose to discontinue a recording currently in progress for any non-confrontational encounter with a person, including an interview of a witness or victim.
 - (c) A peace officer who does not activate a body worn camera in response to a call for assistance must include in the officer's incident report or otherwise note in the case file or record the reason for not activating the camera.
 - (d) Any justification for failing to activate the body worn camera because it is unsafe, unrealistic, or impracticable is based on whether a reasonable officer under the same or similar circumstances would have made the same decision.
- NOTE: Only City of Fort Worth Police Department peace officers with the authority to conduct searches and make arrests shall be permitted to wear a body camera.
- B. The guidelines in this order apply only to officer-worn digital recording devices that attach directly to the officer's uniform or person in a location and manner that maximizes the camera's ability to capture video footage of the officer's activities. These guidelines do not apply to the use of the in-car fixed audio/video recording systems mounted in Fort Worth Police Department vehicles. The guidelines for in-car video are outlined in General Order 506.04, In-Car Recording System.
- C. All digital multimedia evidence (DME) captured during the scope of an officer's duties is property of the Fort Worth Police Department and subject to City, State, and police department policies regarding the viewing, release, retention and destruction of the same. Officers **shall**



- not** convert DME for personal use, nor shall officers access, copy, edit or release recordings, or depictions from recordings, without proper authority and/or written approval.
- D. Officers are prohibited from utilizing personally-owned digital recording devices while on-duty or while engaged in approved off-duty law enforcement and security-related (LE/SR) employment; however, officers are encouraged to utilize a city-owned officer-worn digital recording device pursuant to this General Order and applicable statutory laws cited herein. *TBP 1.11*
- E. All uniformed officers, regardless of rank, shall be issued an officer-worn digital recording device. Officers are required to use the device as outlined in this order as well as following the corresponding standard operating procedures.
1. The officer-worn digital recording device benefits the officer by providing a supplemental asset when police and/or civilian actions during an incident necessitate review. With this benefit in mind, use of an officer-worn digital recording device and its recording shall not be used to initiate arbitrary and/or punitive mechanisms in order to initiate discipline against any police department personnel.
- F. Officers deploying an officer-worn digital recording device shall attend department-approved training on the device, review the standard operating procedures governing its use and demonstrate a working knowledge of the device prior to employing it in field operations.
- G. Supervisors of officers deploying an officer-worn digital recording device shall attend department-approved training regarding the device as well as the procedures for storing and retention of the DME.
- H. Police supervisors shall ensure that officers conduct daily inspections of the officer-worn digital recording devices prior to each shift, to confirm the devices are operational and have sufficient battery life. Any problems with the officer-worn digital recording device shall be reported to the supervisor immediately and the supervising officer shall contact the Body Camera Program Coordinator via email on that date to secure a repair or replacement. Supervisors shall ensure that officers wearing digital recording devices are identified on the assignment sheet sent to dispatch.
- I. In the event that an officer-worn digital recording device is lost, upon discovery the officer shall immediately notify their supervisor and submit a police report for lost property. The supervisor shall ensure the officer completes an Equipment Replacement Request on the date of the loss, or as soon as possible in cases involving officer injury, and submit/route the approved request through the chain of command to the Body Camera Program Coordinator for appropriate action.
- J. Officers may be subject to disciplinary action for reporting to duty without their assigned officer-worn digital recording device and/or for the intentional, negligent loss of, or damage to, a device.
- K. Officers assigned an officer-worn digital recording device are encouraged to use the device at approved LE/SR employment, but only for off-duty law enforcement action. If used for this purpose, the officer shall download all DME during their next regularly assigned on-duty shift.
- L. At the start of each shift, officers utilizing an officer-worn digital recording device shall indicate this by selecting "On-Officer Camera" from the selection box on the Visinet Mobile login screen.
- M. The officer-worn digital recording device shall be activated under the following circumstances:
1. **Collection** of evidence that can be used in the prosecution of criminal offenses;



2. **Recording** contacts with the public in connection with investigations where law enforcement action will potentially be taken;
3. **Pursuits** by vehicle and on foot;
4. **Execution** of consent searches;
5. **Investigating** calls involving mentally-distressed persons; and
6. **Documentation** of accident or crime scenes, etc.

NOTE: At no time is an officer expected to jeopardize their safety or the safety of another person in order to immediately activate their issued officer-worn digital recording device into record mode. Any officer-worn digital recording device not immediately activated into record mode due to the safety of an officer or another person being presently jeopardized shall be placed into record mode as soon as possible.

- N. Officers who conduct or supervise planned tactical entry operations shall ensure that all officer-worn digital recording devices are worn and activated during its execution. This applies to all Fort Worth officers with the exception of officers acting under an existing MOU or task force agreement that precludes the use of recording devices. This mandate applies in both dynamic and deliberate operations:
1. **Dynamic** entry: rapid entry and movement through a target location with the intent of quickly overwhelming any potential threats and/or preventing the destruction of contraband.
 2. **Deliberate** entry (Slow Clear): the entry into and methodical movement through a target location with the intent of identifying and securing potential threats.
- O. Officers may temporarily deactivate the officer-worn digital recording device under certain situations; however, the officers shall verbally state why they are choosing to deactivate the officer-worn digital recording device prior to doing so. Temporary deactivation may occur when:
1. Exchanging NCIC/TCIC, DPS or other law enforcement sensitive data either in person or via the police radio or MDC;
 2. Facilitating discussion of training issues or operation strategies;
 3. Sharing information such as telephone numbers or personal information with another officer;
 4. Conducting conversations containing privileged information (i.e. communication with Clergy and Police Alliance/Ministers Against Crime, Police Peer Counselors, Attorneys, Physicians, etc.); and
 5. Authorized by a supervisor or commander who determines that continued recording of an incident is not required to meet the objective of the Officer-Worn Digital Recording Device SOP that corresponds with this General Order. The authorizing supervisor or commander should be identified in the appropriate report narrative.
 6. In accordance with *Texas Occupations Code 1701*, when an officer makes the decision to discontinue recording or chooses not to record the incident at all, the officer must note in the CAD call notes the reason the officer chose not to capture the recording. Justifications based on safety issues, unreasonableness, or impracticality must be based on whether a reasonable officer in the same situation would have made the same decision.
- P. Officers shall not:
1. Release video captured from an officer-worn digital recording device without express permission from the Fort Worth Police Department. An exception shall be for legitimate court-related evidentiary purposes. Any release without departmental permission (see General Order 429.01 for chain of command accountability) is a violation of state law



and may be punishable as a Class A Misdemeanor. (See *Texas Occupations Code 1701.659*).

2. Delete, cause to be deleted, or release, any recording from an officer-worn digital recording device that documents an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer until all criminal matters have been finally adjudicated and all related administrative investigations have concluded. (See *Texas Occupations Code 1701.660*).
 3. Intentionally create digital recordings of other employees in areas where a reasonable expectation of privacy exists such as locker rooms, restrooms, etc.
 4. Knowingly record undercover officers or confidential informants.
 5. Use a police department-owned officer-worn digital recording device to record any type of non-law enforcement-related personal activities.
 6. Allow non-sworn personnel to view the DME without permission from the officer's immediate supervisor. Governmental employees who are directly involved in the investigation and/or prosecution of a criminal case related to the DME or who work in Internal Affairs are exempt from this provision.
 7. Upload or convert digital recordings for use on any type of social media.
 8. Create recordings in patient care areas of medical facilities unless the recording is for official police business such as a criminal investigation, dying declaration, Horizontal Gaze Nystagmus (HGN) on injured drivers, or a specific call for police service.
 9. Intentionally record juveniles unless evidentiary in nature or as authorized by the Family Code.
 10. Wear an officer-worn digital recording device into a testing area, courtroom, arbitration hearing, or disciplinary meeting with the officer's chain of command.
 - a. Officers do not have to remove their officer-worn digital recording device when in departmental and/or public meetings or when in classrooms unless testing will be included; however, the device shall be deactivated unless the instructor or facilitator has authorized the device to be activated during the meeting or class.
 11. Officer-worn digital recording devices shall not be used to gather intelligence information based on First Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between a law enforcement officer and a member of the public.
 12. Divulge or use video footage for any commercial or other non-law enforcement purpose.
- Q. When creating intentional recordings involving juveniles, the investigator shall download the video to the appropriate media partition (i.e., juveniles in the juvenile folder, adults in the general folder) as soon as possible, and request destruction of the DME as provided for in this General Order and/or corresponding standard operating procedures.
- R. When an incident has been recorded and an offense/incident report is generated, the officer shall note in the first sentence of the report narrative that the incident or a portion of the incident was captured by an officer-worn digital recording device. If the officer recording the DME is not the reporting officer, the officer recording the DME shall immediately notify the report writing officer of the existence of a DME, and if necessary supplement the report to note this.
1. If the citizen contact resulted in the issuance of a Class C misdemeanor citation, the officer shall note on the back of the citation that DME was captured and placed on Evidence.com.



- S. The officer shall label the recording with any applicable report number. In addition, the officer shall choose a category for the recording when appropriate. The two categories are Criminal (criminal offense related) or Administrative (use of force, pursuits, officer involved traffic accidents, etc.) if unrelated to a criminal event. These tasks can be accomplished via a mobile device or by accessing Evidence.com directly.

Note: In the event of a non-happening, the officer will simply not categorize a recording.

- T. Officers may use media captured via the officer-worn digital recording device to assist with the investigation and to promote accuracy in the completion of reports.

- U. Officers may review media captured from an officer-worn digital recording device before making any statements.

1. Officers involved in a Critical Police Incident (CPI) may review media captured from their officer-worn digital recording device prior to making a statement and should be permitted to review the media with a peer representative or another officer who was not involved in the incident.

- V. By the end of each duty day, if the officer's officer-worn digital recording device is storing DME, the device shall be placed in an appropriate docking station and should not be removed until the download of data is complete. If the DME is recorded during off-duty LE/SR employment, the officer shall place the device in the docking station by the end of the officer's next scheduled on-duty shift.

- W. All DME captured by officer-worn digital recording devices shall be uploaded to Evidence.com for storage.

1. DME on Evidence.com that was categorized as Criminal or Administrative will be kept for a minimum of two (2) years. Uncategorized DME will be destroyed after 180 days. In addition, a category entitled Until Manually Deleted will be utilized in those instances dictated by the City Attorney's office or the Risk Management office.
2. Should DME be required for criminal cases or other litigation that requires the evidence to be retained for longer than two (2) years, it shall be the responsibility of the investigator to transfer the DME to the appropriate media for storage with the case evidence.
3. If a use of force, vehicle pursuit, or any other administrative inquiry-based personnel action related to a misconduct case is captured on an officer-worn digital recording device, the DME(s) from the incident shall be uploaded to the administrative report by a supervisor to facilitate seamless administrative review.
4. Officers are encouraged and supported by the Chain of Command to flag the DME when the officer feels that he/she may face an unsubstantiated complaint or accusation as a result of a DME captured encounter.
 - a. If an accusation filed against an officer is unfounded, meaning an investigation determined the accusation is false or fabricated, the Special Investigations Section shall conduct the investigation. Furthermore, on a case-by-case basis, and depending on factors such as, but not limited to, the severity of the alleged violation and/or input from the officer, charges may be filed against any individual who made the false or fabricated accusation.
5. Supervisors shall review at least three (3) random videos per officer bi-annually. (TBP 2.01)
 - a. When conducting bi-annual supervisory reviews/audits of officers' video, the supervisor is not required to watch each incident on an eight (8) or ten (10) hour shift; however, the supervisor shall review the footage in a manner intended to gain an understanding of that officer's performance and adherence to policy and laws related to racial profiling and bias-free policing.



Fort Worth Police Department General Orders

- b. The bi-annual review/audit period will begin and end on the same schedule as the City of Fort Worth Performance Evaluation.
- c. The review/audits will be sent to Internal Affairs through Blue Team after review by the Division Commander/Captain or the respective Deputy Chief if an infraction rises to that level.

NOTE: Additional audits of DME may be requested at any time by a deputy chief or above.

- X. It is permissible to retain recordings for display during training exercises upon final adjudication of all associated criminal cases.
- Y. All stored DME is subject to release in accordance with the Texas Public Information Act, and/or *Texas Occupations Code 1701*.
- Z. Third-party digital recording storage vendors that to act as an agent of the Fort Worth Police Department in maintaining body camera footage, shall not be permitted to independently access, view or alter any video footage, except to delete videos as required by law or agency retention policies

